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**STIPULATION BETWEEN PLAINTIFF AND THE PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS DEFENDANTS**

1. Counts One through Four: Plaintiff does not seek damages from PA-DOC or any of the DOC Defendants for any claims. Plaintiff seeks damages only against Dr. Ronald Letizio and Wellpath.

2. Count One (ADA): Defendant PA-DOC waives in this lawsuit Eleventh Amendment immunity for Plaintiff's ADA claim (Count One). Plaintiff voluntarily WITHDRAWS his claim against Secretary Harry for Count One; the Plaintiff proceeds solely against PA-DOC only on Count One.
3. Count Three (Eighth Amendment): The DOC Defendants withdraw their request that Count Three should be dismissed as to the Individual DOC Defendants (Harry, Seitchik, and Long) due to lack of personal involvement. The DOC Defendants reserve the right to raise this defense, if deemed appropriate, after discovery is completed, by way of a motion for summary judgment.
4. Count Five (Medical Malpractice against Dr. Long): Plaintiff voluntarily WITHDRAWS his claim for medical malpractice against Dr. Ronald Long. Plaintiff continues to pursue Count Five (as well as other Counts) against Defendants Dr. Ronald Letizio and Wellpath.
5. The parties agree that the Individual DOC Defendants will answer the amended complaint (ECF No. 29) within thirty (30) days of the Court's approval of this Stipulation.

Date: December 6, 2023

Respectfully Submitted,

/s/ Rhonda Brownstein

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Secretary of the Pennsylvania  
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Long, M.D., and Steven Seitchik*

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AND NOW, this 8th day of December 2023, IT IS SO ORDERED.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.